

Remarks

The Examiner rejected claims 23, 26, 28-30, and 32 as being anticipated by Stoakes (4,756,131). The Applicant respectfully traverses the rejections. The Stoakes reference cited by the Examiner discloses a wall system wherein mullions are used to hold separate window units together in an edge-to-edge relationship. The Applicant thus submits that the Stoakes reference does not contain teachings relevant to the muntin grid pieces of claim 23. To clarify the scope of the claim, the Applicant has amended claim 23 to recite the muntin grid piece in the insulating chamber of an insulating glazing unit. Claim 23 recites a muntin bar disposed in the insulating chamber of an insulating glazing unit. The muntin bar of the claims includes a rigid inner muntin grid element and a flexible, collapsible outer muntin grid element. The claim requires the outer muntin grid element to substantially surround the inner muntin grid element to hide the inner muntin grid element from view on both sides of the window. The collapsible outer muntin grid element is capable of being collapsed upon itself and reopened to an open position to define a longitudinal opening. Stoakes does not have muntin bars. Amended claim 23 is thus substantially different than the wall panel disclosed in the Stoakes reference. Claim 23 is thus patentable over the Stoakes reference.

The Examiner rejected claims 23-29, 32-34, and 36-49 as being anticipated by Peterson (6,351,923). The Applicant respectfully traverses the rejections. The Applicant submits that Peterson discloses a spacer and is not relevant to the claimed muntin bar. The claims are directed to muntin bar elements. The term "muntin" is used in the insulating glazing art to describe the structures disposed inwardly of the spacer to simulated to appearance of true divided lite windows. All of the pending claims are directed to muntins and Peterson does not have any disclosure related to muntins. The Peterson spacer would not be used as a muntin bar. Peterson thus does not anticipate

the claims. The Applicant respectfully traverses the Examiner's contention that Peterson discloses a muntin. Peterson's drawings show no muntins, the entire Peterson specification does not mention the term "muntin," and the entire Peterson description is directed to the structure of a spacer which, as noted above, is a different part of a window than a muntin. The Applicant thus again requests the Examiner to withdraw the Peterson-based rejections.

Claim 23 has been amended to be drawn to an insulating glazing unit while claim 33 has been amended to recite the location of the muntin bar with respect to the spacer of the insulating glazing unit. Amended claims 23 and 33 are thus not anticipated by Peterson which only discloses a typical spacer having a sealant extruded about its outer surface. Peterson does not disclose, teach, or suggest the glazing unit configuration of claims 23 and 33 and does not disclose or suggest anything similar to the outer muntin grid element recited in the claims. The structure cited by the Examiner to meet the outer muntin grid element of the claims is an extruded sealant (64) that is applied to the spacer (126). First, sealant 64 is not a tube as recited in claim 33. Second, sealant 64 is not collapsible and reopenable in the manner recited in the claims. Sealant 64 of Peterson also does not substantially surround an inner muntin grid element to hide the inner muntin grid element from view on both sides of the window when the muntin grid piece is installed as recited in claim 23. The top of Peterson's spacer is in full view through both panes of glass. Sealant 64 does not cover the top surface and thus does not surround in the manner recited in the claims. The Applicant thus submits that claims 23 and 33, as well as their dependent claims, are patentable over the Peterson reference.

With respect to claim 39, Peterson does not disclose an inner muntin grid element and an outer muntin grid element that is the form of a tube as recited in the claim. Claim 39 also requires the tube to be disposed around the inner muntin grid element to hide the inner muntin grid element from view on both sides of the window when the muntin grid element is installed. The

Peterson sealant (64) identified by the Examiner as the outer muntin grid element does not surround the Peterson's spacer body and does not hide the spacer from view. Peterson thus does not anticipate claim 39. Further, Peterson's sealant is not slit in the manner recited in claim 39. A "slit" is a long narrow cut or opening. Peterson does not disclose a slit tube as recited in the claim.

With respect to claim 44, the Peterson reference does not disclose an outer muntin grid element that is adapted to fold around an inner muntin grid element. The sealant (64) identified by the Examiner is extruded against the spacer member and does not fold in the manner recited in claim 44. Claim 44 also requires the outer muntin grid element to have a width substantially equal to the cross sectional perimeter dimension of the inner muntin grid element. Peterson's sealant (64) doesn't have such a width dimension because it does not extend about the inner spacer member. Further, there is nothing in Peterson describing the corner notches recited in claim 44. The recited corner notches must align with the corners. The Examiner cites Peterson's Fig. 8 but does not identify where in Fig. 8 the corner notches are to be found. The Applicant has reviewed Fig. 8 and finds nothing similar to the corner notches of claim 44.

With respect to claims 47 and 48, there is nothing in Peterson that discloses that sealant 64 is a foam and nothing discloses that sealant 64 carries a desiccant. Sealants such as 64 would typically not carry a desiccant because they are directly exposed to the atmosphere surrounding an insulating glazing unit. Further, sealants such as those used at 64 do not carry desiccants because the nature of sealant is not prevent the passage of water vapor. With respect to claim 49, there is nothing in Peterson that teaches or suggests the use of an adhesive in combination with sealant 64.

The obviousness-type rejections of the dependent claims based on Stoakes, Donaldson, and Baier are considered to have been overcome by the amendment to claim 23 and the explanation that Stoakes is not relevant to the

claimed muntin bar. However, the Applicant respectfully submits that one of ordinary skill in the art would have little reason to form the Stoakes material of foam or to add desiccant to the Stoakes material. Such desiccant would be quickly rendered irrelevant because it is directly exposed to the atmosphere surround the wall panel. Adding desiccant as suggested by the Examiner would not provide the benefit to Stoakes taught by Baier.

In view of the foregoing, the Applicant respectfully requests reconsideration of the claims and most earnestly solicits the issuance of a formal notice of allowance for the claims. If any issues remain after this amendment, the undersigned attorney would welcome a telephone call.

Respectfully submitted at Canton, Ohio this 2nd day of May, 2005.

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